

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DONALD J. TRUMP,

Plaintiff,

v.

Civil Action No. 1:19-cv-2173-CJN

COMMITTEE ON WAYS AND MEANS,
UNITED STATES HOUSE OF
REPRESENTATIVES; LETITIA JAMES, in
her official capacity as Attorney General of
New York State; and MICHAEL R.
SCHMIDT, in his official capacity as
Commissioner of the New York State
Department of Taxation and Finance,

Defendants.

JOINT STATUS REPORT

Per this Court's order on the New York Defendants' motion to dismiss, Plaintiff and the Congressional Defendants have met and conferred on "how they would propose to proceed on the Emergency Application for Relief Under the All Writs Act, Dkt. 6, which remains pending before the Court." Dkt. 45. The parties state their respective positions below.

Plaintiff's Position

Plaintiff asks the Court to grant him relief under the All Writs Act. Consistent with his position in the prior joint status report, Dkt. 22, Plaintiff asks for one of two alternative forms of relief. Either the Court should order one or more of the Congressional Defendants to notify Plaintiff and the Court at least 14 days before Chairman Neal makes a TRUST Act request concerning President Trump or any related entity. Or the Court should order one or more of the New York Defendants to notify Plaintiff and the Court when the Commissioner receives a TRUST Act request concerning President Trump or any related entity, and to wait at least 14 days before complying with that request. Plaintiff believes he is entitled to either form of relief for the reasons set forth in his papers, especially his recent opposition to the Congressional Defendants' motion to dismiss. *See* Dkt. 46 at 11-16; Dkt. 37

at 24, 42-43; Dkt. 17; Dkt. 6.¹ The Court's order should expire once Chairman Neal makes a TRUST Act request, once the Congressional Defendants represent that they will not make such a request, or once the House's current term expires.

Plaintiff requests a ruling on his pending emergency application for relief under the All Writs Act by Monday, November 18, 2019—when the current agreement with the New York Defendants expires. *See* Dkt. 29. Plaintiff does not believe another hearing before Monday is necessary. The parties have *already* briefed and argued Plaintiff's emergency application. The arguments in the Congressional Defendants' motion to dismiss are not reasons to deny Plaintiff relief under the All Writs Act, and they should be addressed when or if Chairman Neal makes a TRUST Act request. If the Court believes a hearing is necessary, counsel will of course make themselves available as the Court directs. Plaintiff's counsel is available all day on Monday, if necessary.

Congressional Defendant's Position

Given the extraordinary emergency relief being sought by Plaintiff, Congressional Defendants respectfully request that they be afforded an opportunity to file a written response to Plaintiff's most recent filing seeking emergency relief under the All Writs Act. Dkt. 46. Congressional Defendants propose to file that response by no later than 10:00 a.m. on Friday, November 15, 2019. Congressional Defendants further request that this Court hold a hearing prior to granting any relief against them. As the Court is aware, Congressional Defendants have filed a motion to dismiss, Dkt. 42, which raises certain jurisdictional and other issues not addressed during the parties' initial briefing and hearing on the original request for relief under the All Writs Act. Those arguments directly bear on this Court's ability to fashion the requested relief as to Congressional Defendants. Counsel is available for a hearing at the Court's convenience (including on Saturday and Sunday), except for between 10:00 a.m.

¹ Plaintiff notified the New York Defendants that he would be requesting this relief. The New York Defendants stated that they would not respond until directed by the Court, and that their substantive position on Plaintiff's request is set forth in Point III.A of their reply brief, Dkt. 39.

and Noon on Monday, November 18, 2019, due to a previously scheduled argument before the D.C. Circuit. *Committee on the Judiciary v. U.S. Dep't of Justice*, No. 19-5288 (D.C. Cir.).

Dated: November 13, 2019

Respectfully submitted,

s/ Douglas N. Letter
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